

Olivia Y., Jamison J., et al. V. Phil Bryant, Donald Taylor, et al.

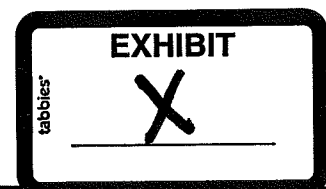
Jess Dickinson

November 29, 2018

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1 cut -- I had the -- "opportunity" is not the word
2 I would have chosen. I had the obligation. I had
3 the obligation to bring the budget into line. I
4 had to do that.

5 Q. And so you chose to eliminate the
6 caseload requirement; is that right?

7 A. No.

8 MR. JONES: I object to the form of the
9 question.

10 Q. (By Ms. Lowry) You didn't?

11 A. And I apologize. I'm not trying to be
12 difficult. I don't see those two things as
13 related.

14 What I chose to do was to -- was to
15 implement policy that would bring the budget in
16 line.

17 Q. And was that an obligation that was
18 greater than the obligation to comply with a
19 Federal Court order?

20 A. The Federal Court order doesn't tell me
21 how much to cut or not cut with respect to
22 salaries.

23 In other words, I never -- I never made
24 any decision we're not going to comply with the
25 court order. I made the decision of here's how

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1 A. Yes.

2 Q. Okay. You did not agree to the second
3 MSA, did you?

4 A. You mean did I sign it?

5 Q. Yes.

6 A. Was I one of the signatories? No, I was
7 not.

8 Q. You weren't involved in the discussions,
9 and you certainly didn't sign it; is that right?

10 A. That's correct.

11 Q. And you didn't sign any of the interim
12 or stipulated orders; is that right?

13 A. That's correct.

14 Q. And, in fact, you might not have even
15 done that had you been present in this agency; is
16 that right?

17 A. That's a possibility.

18 Q. Right. In fact --

19 A. If I knew then what I know now, I
20 wouldn't have.

21 Q. Right, in fact, you don't like the --
22 what you call the rigid fixed standards of the
23 caseload limits, do you?

24 A. Well, I don't like the phrase, "I don't
25 like them." I think they're harmful to children.

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1 Q. I see. And do you think that 15 years
2 of noncompliance in this case is harmful to
3 children?

4 MR. JONES: Object to the form.

5 THE WITNESS: Do I think that 15 years
6 of noncompliance is harmful to children?

7 Q. (By Ms. Lowry) Yeah. Do you know how old
8 this litigation is?

9 A. I can't answer that question without
10 more specifics. I need to know what it is you
11 think was harmful to children, and I can either
12 agree with you or not, but when you say 15 years
13 of noncompliance is harmful to children, that's a
14 very general statement.

15 Q. Do you know that the State has
16 acknowledged noncompliance with regard to the
17 settlement agreement?

18 A. I do understand what you're asking me.
19 I'm just -- I am not going to get to the place
20 where I agree with you that noncompliance with one
21 provision or another provision of that MSA, per
22 se, translates into harm to children. I think
23 compliance with the MSA in some respects is
24 harmful to children, so your question is too
25 general for me.

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1 If you ask me about a specific thing, I
2 can tell you my opinion of whether it's harmful to
3 children or not.

4 Q. You, in fact, would like this provision
5 changed, wouldn't you, because it seems too rigid
6 and fixed as your counsel called it; is that
7 right?

8 A. The reason I would like it changed is
9 because I believe it's harmful to children.

10 Q. Okay. So -- and you would -- what would
11 you substitute for it?

12 A. I would substitute it for a standard
13 that takes into account the factors that affect
14 the handling of children's cases and the outcomes
15 for those children. I would look to see if the
16 children are having good outcomes, and I would
17 look to see if the caseworkers are doing their
18 jobs, and there are factors that are indicators of
19 that, and, to me, that's what an agency should be
20 judged on.

21 Q. So, basically, what you're saying in the
22 motion that's been filed on your behalf with
23 regard to changing a provision of this agreement
24 is that you think it's harmful to children, and
25 you don't like it; is that right?

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1 MR. JONES: I object to --

2 THE WITNESS: I don't like anything
3 that's harmful to children.

4 MR. JONES: And I object to the form of
5 the question. That's not what the motion
6 states.

7 MS. LOWRY: No, that's not, but I can
8 ask the question anyway.

9 Q. (By Ms. Lowry) Okay. But you think this
10 is harmful to children?

11 A. I think that the agency being judged --
12 it's effectiveness being judged on a hard
13 compliance cap in the way that a cap has to be
14 implemented in a child welfare agency is harmful
15 to children. It is harmful to the care for
16 children.

17 Q. And so you wouldn't have signed it? You
18 wouldn't have signed that provision of the
19 agreement, is that --

20 A. I would not have agreed -- and, again,
21 knowing what I know today, knowing what I know
22 sitting here today, no, ma'am, I would not have
23 agreed for the State to obligate itself in order
24 to comply with the second MSA. I would not have
25 agreed that the State be judged by a hard cap like